

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TRUSTEES OF THE NEW YORK CITY
DISTRICT COUNCIL OF CARPENTERS
PENSION FUND, WELFARE FUND,
ANNUITY FUND, AND APPRENTICESHIP,
JOURNEYMAN RETRAINING,
EDUCATIONAL AND INDUSTRY FUND, et
al.,

Plaintiffs,

-against-

PRECISION INTERIOR CONSTRUCTION
CORP., et al.,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 1/25/2023

21-cv-10205 (MKV)

ORDER OF DISMISSAL

MARY KAY VYSKOCIL, United States District Judge:

The Court is in receipt of a letter from the parties stating that they have reached a settlement in principle and asking the Court to adjourn the conference scheduled to take place on January 26, 2023 [ECF No. 35]. In light of the parties' settlement in principle, IT IS HEREBY ORDERED that the above-captioned case is discontinued without costs to any party and without prejudice to restoring the case to the Court's calendar if the application to restore is made by February 24, 2023. If no such application is made by that date, today's dismissal of the action is with prejudice. *See Muze, Inc. v. Digital On Demand, Inc.*, 356 F.3d 492, 494 n.1 (2d Cir. 2004). All other dates and deadlines, including the January 26, 2023 conference, are adjourned *sine die*.

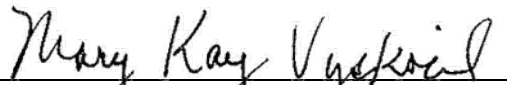
The Court notes that the parties failed to comply with the Court's Order To Show Cause dated January 20, 2023 [ECF Nos. 33]. In the Order To Show Cause, the Court explained that the parties had failed timely to file a joint status letter and pre-motion submissions as required by two prior orders [ECF No. 23, 32] and the Court's Individual Rules. The Court therefore directed the parties to "file letters showing cause why they should not be sanctioned for failure to comply with

court orders” and to “explain why they have not forfeited the opportunity to file any contemplated motions for summary judgment by failing timely to file pre-motion submissions” [ECF No. 33]. The parties neither filed such letters, nor addressed these issues in their letter reporting a settlement. Thus, the parties have now violated a third court order.

The Court declines to impose sanctions **at this time** because the Court is closing the case in light of the parties’ settlement. However, given the parties’ repeated failures to comply with court orders, the Court reserves decision as to whether sanctions are warranted if there is further litigation in this matter. Counsel and the parties themselves are on notice that failure to comply with court orders and the Court’s Individual Rules may result in sanctions, including monetary sanctions, preclusion of claims and defenses, and dismissal.

SO ORDERED.

Date: January 25, 2023
New York, NY



MARY KAY VYSKOCIL
United States District Judge